THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

TAKEN UP WRIT PETITION NO. 1820 OF 2007
DATE: 05.3.2007

Between:

Munagapati Vijaya Lakshmi, Counsellor, 6th Division, Mangalagiri Town, Indira Nagar, Guntur District.

…Petitioner

AND

1.The Station House Officer, Mangalagiri Town Police Station, Mangalagiri, Guntur District and five others.

….Respondents

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ORAL ORDER: **(per the Hon'ble Sri Justice D.APPA RAO)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the strength of a 'Fax Message', dated 21.1.2007 sent by Munagapati Vijaya Lakshmi, alleging that SI of Police, Mangalagiri Town Police Station, came to her house along with four other constables on the intervening night of 20.1.2007 and 21.1.2007 and threatened her, her husband and her son at the pistol point that he would encounter them and therefore, she sought protection.

3. The Sub-Inspector of Police, Guntur, filed a counter affidavit denying the allegations made in the petition. He states that the husband of the petitioner was involved in a case registered in Crime No. 97 of 2003 on 24.8.2003 under Section 420 IPC ended in compromise before Lok Adalat and Crime No. 126 of 2003 under Section 448, 427, 506 of 2003, wherein a case in C.C.No. 568 of 2003 is pending before Additional Munsif Magistrate at Managalagiri. He denied that he went to the house and threatened the inmates. In view of the fact that serious allegations made against the SI of

Police, this court directed the Superintendent of Police to make an enquiry into the matter and submit his report.

4. The Superintendent of Police filed his affidavit mentioning that he directed SDPO, Guntur Rural to conduct an enquiry on the allegations leveled against the SI of Police, Mangalagir. He enclosed the report of SDPO, wherein it was stated that there was a Chaitanya Godavari Grameena Bank of Narsaraopet Branch was burgled and gold property worth nearly Rs. 3 Crorers & 75 lakhs was stolen and a case in Crime No. 352 of 2006 under Section 457, 380 IPC was registered. During the investigation it was established that one Adapa Venkanna was involved. When Venkanna was met with an accident at Tirupathi, the petitioner's husband Mr. Munagapati Venkateswara Rao and one Brahma Reddy, brother-in-law of Adapa Venkanna went to Tirupathi, got him discharged and brought him in a taxi to Mangalagiri. Since Adapa Venkanna was involved the petitioner suspected that her husband would also be taken into custody. He was involved in Crime No. 126/03 under Sections 448,427,506 and 420 IPC. Since Munagapati Venkateswara Rao, the petitioner's husband was involved in these cases in order to prevent the investigation against her husband such a fax message was sent. In fact the day on which the SI said to have threatened, he was at Narsaraopet. However, he is not required for the present in any case. The petitioner and her husband are moving freely. If the petitioner approaches him he will give protection.

5. In the light of the above submission, we make it clear that the police is free to make investigation and we do not incline to interfere in this regard since the petitioner is only seeking to provide protection from the police officials, we feel it necessary at this juncture to make any observation or pass a direction to the police in the manner sought by the petitioner, inasmuch as it is always the duty of the police to give proper protection to the extent relevant to

any person.

6. With the said observation, the Writ Petition is closed. No order as to costs.

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D.S.R.VARMA, J

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D. APPA RAO, J

Dated: 05.03.2007

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